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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR07-0344-RSL
09 Plaintiff,)
10 v.)
11 CLAY ROUECHE,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Conspiracy to Possess with Intent to Distribute and to Export Cocaine,
15 Conspiracy to Import Marijuana; Conspiracy to Engage in Money
16 Laundering

17 Date of Detention Hearing: June 10, 2008

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
20 that no condition or combination of conditions which defendant can meet will reasonably assure
21 the appearance of defendant as required and the safety of other persons and the community.

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01 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02 1. Defendant has been charged with a drug offense the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
04 dangerousness and flight risk, under 18 U.S.C. §3142(e).

05 2. The government contends that defendant is the operational leader of the “UN
06 Gang”, alleged to be a drug dealing organization in British Columbia. The defendant contests this
07 contention. The government proffers photographs of items seized during a search of the
08 defendant’s residence in which illegal firearms were found, together with items such as night
09 vision goggles, balaclava, handcuffs, pepper spray, photographs of an individual alleged to be a
10 rival gang member and a significant quantity of what is alleged to be cocaine. The government
11 proffers the seizure during a previous search of the defendant’s vehicle of other illegal weapons
12 and similar photographs found in a hidden compartment.

13 3. The government also proffers a transcript of an intercepted phone call between the
14 defendant and his girlfriend in which he indicates that he cannot travel to the United States
15 because he would be put in jail for 20 years. This evidence raises the inference of a risk of
16 nonappearance if the defendant were to be allowed to return to Canada. The defendant has also
17 a history of extensive international travel in the last few years. He is a Canadian citizen. An
18 immigration detainer has been filed by the Bureau of Immigration and Customs Enforcement.

19 4. The defendant reports employment with his father’s scrap metal business, but the
20 government contends the defendant has no source of legitimate employment or income and
21 questions the existence or viability of the scrap metal company.

22 5. Taken as a whole, the record does not effectively rebut the presumption that no

01 condition or combination of conditions will reasonably assure the appearance of the defendant as
02 required and the safety of the community.

03 It is therefore ORDERED:

- 04 (1) Defendant shall be detained pending trial and committed to the custody of the
05 Attorney General for confinement in a correction facility separate, to the extent
06 practicable, from persons awaiting or serving sentences or being held in custody
07 pending appeal;
- 08 (2) Defendant shall be afforded reasonable opportunity for private consultation with
09 counsel;
- 10 (3) On order of a court of the United States or on request of an attorney for the
11 Government, the person in charge of the corrections facility in which defendant
12 is confined shall deliver the defendant to a United States Marshal for the purpose
13 of an appearance in connection with a court proceeding; and
- 14 (4) The clerk shall direct copies of this Order to counsel for the United States, to
15 counsel for the defendant, to the United States Marshal, and to the United States
16 Pretrial Services Officer.

17 DATED this 10th day of June, 2008.

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19 Mary Alice Theiler
20 United States Magistrate Judge
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